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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Russell G. Greer, et al. Plaintiffs, v. Gary R. Herbert, et al. Defendants.	SALT LAKE COUNTY DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF Case No. 2:16-cv-01067 Magistrate Judge: Dustin B. Pead
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Defendants Sim Gill, Ben McAdams and Rolen Yoshinaga (collectively "County Defendants"), by and through their undersigned counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby submit this Reply in Support of Salt Lake County Defendants' Motion to Dismiss Plaintiffs' Complaint for Declaratory and Injunctive Relief ("County Defendants' Reply"). On December 27, 2016, County Defendants filed their Motion to Dismiss Plaintiffs' Complaint for Declaratory and Injunctive Relief ("County Defendants' Motion to Dismiss") (Docket No. 18). On January 27, 2017, Plaintiff filed Plaintiff's Response

and Memorandum in Opposition to Defendants' Reply Memorandum and Request for Hearing ("Plaintiffs' Response") (Docket No. 29).

County Defendants raised the following legal arguments in their Motion to Dismiss:

- I. Plaintiffs fail to state a factual basis for claims asserted against the County Defendants. *See* Docket No. 18 at 4.
- II. Plaintiffs fail to state a claim under 42 U.S.C. 1983. *See Id.* at 4-6.
- III. Plaintiffs fail to state a claim under Article 1, Section 7 of the Utah Constitution. *See Id.* at 6-7.
- IV. Plaintiff Tricia Christie has not complied with FRCP 11(a) and Christie should be stricken as Plaintiff. *See Id.* at 7.

As far as County Defendants can ascertain from their review of Plaintiffs' Response, Plaintiffs' have failed to address or challenge any of the County Defendants' dispositive legal arguments. Because Section I and II of the arguments raised in County Defendants' Motion to Dismiss entitles County Defendants to dismissal with prejudice (*See Id.* at 4-6) and Plaintiffs fail to rebut (or even address) those arguments in Plaintiffs' Response, the Court should enter an order dismissing Plaintiffs' claims against the County Defendants. Should the Court decline to dismiss Plaintiffs' Complaint based on Section I or II, Section III of the argument raised in the County Defendants' Motion to Dismiss entitles County Defendants to dismissal with prejudice of the Plaintiffs' Claim 5 of the Plaintiffs' Complaint (*See Id.* at 6-7). If the Court declines to dismiss Plaintiffs' Complaint based on Section I or II, Section IV of the argument raised in County Defendants' Motion to Dismiss entitled County Defendants to dismissal with prejudice of Tricia Christie as a plaintiff. (*See Id.* at 7).

CONCLUSION

Based on the foregoing reasons, County Defendants respectfully request that the Court grant their Motion to Dismiss in its entirety and enter an order dismissing with prejudice all claims and causes of action asserted by Plaintiffs against them and awarding County Defendants any and other relief to which they may appear entitled.

Respectfully submitted this 17th day of February 2016.

SIM GILL
Salt Lake County District Attorney

/s/ NEIL R. SARIN
NEIL R. SARIN
Deputy District Attorney
*Attorney for Defendants Sim Gill, Ben McAdams
and Rolen Yoshinaga*

CERTIFICATE OF SERVICE

I certify that on this 17th day of February, 2017 a true and correct copy of the foregoing Salt Lake County Defendants' Reply in Support of Motion to Dismiss Plaintiffs' Complaint for Declaratory and Injunctive Relief was electronically filed with the Clerk of Court using the CM/ECF system and mailed to the following:

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